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From: General Secretariat of the Council

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To: Delegations

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Subject: Proposal for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and for Union fishing vessels in certain non-Union waters

- Comments from Denmark

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Delegations will find in the Annex written comments from Denmark on the above-mentioned document.

**DENMARK**

**Preliminary comments from the Danish delegation on ‘Proposal for a Council Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters – COM(2021) 661 final.’**

**General comments**

The Danish delegation welcomes the Commission’s proposal for a Council Regulation fixing for 2022 the fishing opportunities for fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters.

In general, the Danish delegation supports the strategy of the proposal to manage fisheries in accordance with the scientific advice, the principle of maximum sustainable yield (MSY) and agreed management plans/strategies as set out in the Common Fisheries Policy.

Many TACs are set as “pm” in the Commission proposal awaiting the outcome of the pending consultations but also further considerations within the Commission. The Danish delegation reserves its position relating to these TACs and will comment on these stocks at a later stage, or during the consultations.

The bilateral and trilateral consultations with Norway and the UK are of great importance to Danish fisheries. Our more detailed comments have been made in relation to the discussion on the non-papers preparing these consultations. We will comment further during the consultations. We do however stress the importance of ensuring agreement in these consultations in 2021, in order to ensure access to Norwegian waters from 1 January 2022, and ensuring foreseeability on the TAC-levels from the beginning of the year.

On the TAC deductions, we reiterate the need for a level playing field between EU and UK. Furthermore, we also reiterate that survival rates identified for the discard plans should be taken

into account in calculating the deductions corresponding to the exemptions from the landing obligation. These survival rates have been evaluated by STECF. We urge that a process is undertaken, in order for ICES in 2022 to be able to develop better science and understanding concerning survival rates, with the intention of incorporating survival rates into the forecasting and production of such catch advice.

Please also note that the Danish delegation at this stage maintains its parliamentary and general scrutiny reservations, and thus the right to make additional comments at a later stage.

### **Specific comments on the regulation**

#### **Comments regarding the articles**

##### **Article 12: Remedial measures for cod in the North Sea**

The Commission proposes to maintain the current remedial measures for cod in the North Sea and Skagerrak for 2022. We support this approach, including maintaining the possibility to adopt a national cod plan to ensure that the uptake of cod stays within the set fishing opportunities. On the longer term, we support that consultations on joint measures for cod should be undertaken with Norway and the United Kingdom, to sustain a level playing field and facilitating fisheries between the waters of the three parties.

We do stress the need for comprehensive and meaningful measures, to sustain a rebuilding of cod. This also means ensuring a level playing field between fleets, where possible. We do however question the inclusion of longlines (LL and LLS) in the provisions, as for these gears there is limited scope for improving selectivity.

In article 12, para 3(e) there is a small typo (“further revised if such assessments find that the plan’s objective will not be met”).

##### **Article 13: Remedial measures for cod in the Kattegat**

We support the effort to rebuild the cod stock in the Kattegat. Denmark has initiated a project with electronic monitoring of the bottom trawl fisheries in the Kattegat in 2020. The approach in the

regulation for 2020 and 2021 was that general specifications for the fishing gears allowed were introduced. These general specifications were then specified in detail in national legislation. In that respect we support the Commission proposal continuing the approach for 2020 and 2021. We do at this stage not support any changes to the existing regulation that specifies in detail the fishing gears that can be used in the Kattegat.

#### **Article 47a: Quota transfers and exchanges with the United Kingdom**

There seems to be certain small typos in the article, as the paragraphs start by (2), while paragraph (2) refers to itself. Furthermore, they should be mentioned as “2.” rather than (2) to align with the rest of the text.

We notice that an article on measures for eel (Article 12 in 2021), sandeel closures (Article 14 in 2021) and fishing opportunities in Greenland waters (Article 7a in 2021) are missing. We find that the article on sandeel closures should be included in the regulation now. We presume that the article on Greenland waters will be redundant in the regulation for 2022 provided that the procedures for the final adoption of the SFPA and the protocol are finalized and the regulation published before the end of 2021. Finally, we anticipate, that provisions on eel will be included, once those deliberations have concluded.

#### ***Comments regarding TACs***

##### *Cod in the Kattegat (COD/03AS)*

We support a bycatch TAC for cod in the Kattegat at an appropriate level so that the stock can be rebuilt, without closing other important commercial fisheries. In this respect we have a special concern with regard to the reduced bycatch TAC proposed by the Commission and the project with remote electronic monitoring (with cameras) that was initiated by Denmark in 2020. In order to continue the project it could be appropriate to introduce a dedicated bycatch quota for fishing vessels participating in a project with fully documented fisheries on top of the proposed TAC.

Norway lobster, Skagerrak-Kattegat (NEP/03A)

We have a scrutiny reservation at this point.

Plaice, Kattegat (PLE/03AS)

We have a scrutiny reservation at this point. With regard to the proposed deductions, we refer to the general comments above.

**Additional comments to Annex 1**

We notice that the annexes have undergone a major overhaul, now separating the former Annex 1A stocks into “Part A - Autonomous Union stocks” and “Part B - shared stocks”.

We have a specific scrutiny reservation in relation to the TACs, where article 7(2) of the regulation applies, as we are in the process of checking these.

With respect to mackerel, the TAC must be allocated in accordance with relative stability.

With respect to Bluefin tuna (Atlantic Ocean, east of 45° W, and Mediterranean), the TAC must be allocated in accordance with relative stability.

**Doc. 13481/21 – Supporting document on the landing obligation exemptions deductions regarding the Commission's proposal on 2022 fishing opportunities**

The Danish delegation has a specific scrutiny reservation with respect to the deduction sheets. However, in general the best available scientific advice should be used.